

Urban Comments Regarding the CALFED Framework for Action

Water Quality

The Framework calls for an aggressive mix of water quality improvement actions in conjunction with storage and conveyance improvements to achieve CALFED's water quality improvement goals. The final CALFED Record of Decision and Notice of Determination (ROD/NOD) must contain firm commitments to provide support for regional solutions, source water quality protection, investments in advanced treatment technology, and timely implementation of program elements that will maximize water quality benefits and support efforts to fully comply with future drinking water standards at the lowest possible cost. The following clarifications and commitments are needed to ensure that water quality benefits are implemented:

- The Framework includes CALFED's long-term goals for drinking water quality improvement. However, the ROD/NOD needs to include the California Urban Water Agencies (CUWA) recommended intermediate water quality performance measures in Stage 1 along with indicators for evaluating the success of water quality measures. In addition, the ROD/NOD needs to assure no further Delta source water quality degradation for drinking water in the period preceding implementation of water quality improvement actions. The following intermediate targets, or an equivalent level of public health protection, were recommended by CUWA to CALFED:
 - a. by 2002: bromide concentration < 300 µg/L
TOC concentration < 4.0 mg/L
 - b. by 2005 - 07: bromide concentration < 100-150 µg/L
TOC concentration < 3.5 mg/L
 - c. by 2007: total dissolved solids < 220 mg/L
 - d. by full implementation: total dissolved solids < 150 mg/L

The ROD/NOD also needs to implement a comprehensive water quality monitoring program early in Stage 1.

- The ROD/NOD needs to recognize the urgency of implementing a combination of actions that allow urban water agencies to meet the anticipated Environmental Protection Agency Stage 2 drinking water regulations. Such actions include: water quality exchanges and blending programs in the San Francisco Bay Area and San Joaquin Valley; source control protection actions; advanced treatment technology pilot projects; balanced operating strategies; and, storage and conveyance improvements.
- The ROD/NOD should state that additional Sierra supply and enhanced storage and conveyance, including the American River project, will be investigated in the first phase of the Bay Area Blending/Exchange project.
- The ROD/NOD needs to commit to a balanced operations management strategy that seeks to optimize CALFED's overall water quality, fisheries and water supply improvement objectives. CALFED needs to work with urban water agencies to develop operational strategies that enhance the opportunity to divert or store drinking water supplies during periods of good Delta water quality.

- The commitment to establish a comprehensive state drinking water policy for the Delta and upstream tributaries is important to ensure no further degradation of water quality as land use changes and development in the Bay-Delta watershed increases.
- The Framework includes a commitment to fund demonstration projects to design and operate advanced treatment pilot plants integrating ultraviolet (UV) disinfection, ozone, and membrane filtration treatment techniques and a regional desalination treatment plant. CALFED needs to include both northern and southern urban agencies as active partners in these demonstration projects to ensure these projects address large-scale treatment plant issues. In addition, funding for these demonstration projects should be made as early as practicable in Stage 1 to further on-going efforts in these treatment technologies.
- The ROD/NOD needs to specify that water quality mitigation will be provided for the Delta Wetlands project or other projects involving Delta island storage. In addition, costs incurred through negotiation with private parties to implement in-Delta storage should be fully disclosed and based on sound, competitive principles. Consistent with the principle of beneficiaries pay, the costs of in-Delta storage should not be allocated to urban agencies that will receive little or no benefit and could face an increased risk of water quality degradation as a result of such projects.
- The ROD/NOD should specify that use of water by the EWA will not impose unmitigated water quality, water supply, or financial impacts upon water users.
- The ROD/NOD needs to clarify the relationship between the Science Panel and the Delta Drinking Water Council. The Framework should also clarify the role of the Council toward ensuring that interim and long-term water quality goals are met.

Governance

We agree with the overarching mandate of the Framework proposal for a new governance structure to assure effective, balanced and coordinated implementation in all CALFED program areas. However, we believe that the state Legislature and the Congress are the proper forums in which to work out the details of a new governance structure. Therefore, it would not be productive to incorporate proposed governance changes in the ROD/NOD. We believe that securing effective governance reform will be critical to the success of the program, and urban agencies are committed to fully engage the legislative processes dealing with these issues.

Assurances

Meeting reliability goals will depend to a great degree on CALFED's commitment to regulatory assurances. If the commitment is implemented, these assurances will protect water users from the kinds of regulatory-induced diversion curtailments that have occurred frequently in recent years. The following clarifications and commitments are needed to secure adequate assurances.

- The ROD/NOD needs to clarify that the programmatic ESA protections extend to cover the projects listed in the Framework, recognizing that individual projects will undergo site-specific environmental review.

- An explicit agreement between regulatory agencies, the Department of Water Resources, and the U.S. Bureau of Reclamation needs to be incorporated in the ROD/NOD specifying the intended assurance terms and conditions for the initial four years and beyond.
- The assurances agreement must explicitly recognize that Endangered Species Act (ESA) fish “take” related actions are addressed through the establishment of, and will be the responsibility of, the Environmental Water Account.
- The Framework contains a general statement of intent regarding the extension of assurances beyond the first four years. Clarification of the circumstances for extension or non-extension is needed in the ROD/NOD. Short of a jeopardy situation for fish, the same terms for assurances should be granted for the remainder of Stage 1.
- The ROD/NOD must clarify the scope and intended regulatory coverage of the Programmatic Biological Opinion. The scope must include permitting coverage under the California ESA as well as the federal ESA.
- The Framework commits to completion of Memorandums of Understanding (MOU) regarding Clean Water Act Sections 401 and 404 certification and permits for storage projects. These MOU’s must also be incorporated into the ROD/NOD and the Notice of Determination.
- The ROD/NOD should clearly state that there will be no water supply impacts on non-export entities as a result of the Framework or as a result of the assurances extended to the export entities.

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